

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FILED
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007 APR -5 PM 4:02

SHANE K. HOPKINS
PLAINTIFF,

V.

C/O JOHN POSEY, ETAL.,
DEFENDANTS

CA No: 05-870-SLR

COMES NOW PLAINTIFF SHANE K. HOPKINS THIRD
REQUEST FOR PRODUCTION OF DOCUMENTS

1) ANY AND ALL POLICIES, DIRECTIVES, OR INSTRUCTIONS
TO STAFF CONCERNING THE USE OF FORCE BY D.O.C. STAFF.

2) ANY AND ALL POLICIES, DIRECTIVES OR INSTRUCTIONS
TO STAFF CONCERNING THE USE OF CHEMICAL AGENTS E.G.
CAP STUN BY D.O.C. STAFF

3) A COMPLETE RECORD OF ANY AND ALL DISCIPLINARY
ACTION REPORTS FILED AGAINST C/O JOHN POSEY AND C/O JOE
SMITH.

4) AN ACCOUNTING CONCERNING THE AMOUNT OF TRAINING
C/O JOHN POSEY AND JOE SMITH RECEIVED IN THE APPLICATION
OF FORCE APON INMATES AT D.O.C.

5) MEDICAL AND MENTAL HEALTH FILES OF THE PLAINTIFF SHANE K. HOPKINS WHILE INCARCERATED WITHIN THE DELAWARE DEPARTMENT OF CORRECTIONS.

6) CLASSIFICATION FILES OF THE PLAINTIFF SHANE K. HOPKINS WHILE INCARCERATED WITHIN THE DELAWARE DEPARTMENT OF CORRECTIONS

7) ANY AND ALL GRIEVANCES, COMPLAINTS, OR OTHER DOCUMENTS RECEIVED BY THE DEFENDANTS OR THEIR AGENTS CONCERNING THE MISTREATMENT OF INMATES BY DEFENDANTS c/s JOHN POSEY AND JOE SMITH AND ANY MEMORANDA, INVESTIGATIVE FILES, OR OTHER DOCUMENTS CREATED IN RESPONSE TO SUCH DOCUMENTS THAT HAVE NOT ALREADY BEEN PRODUCED.

8) ANY AND ALL WRITTEN STATEMENTS FROM WITNESSES THAT THE DEFENCE HAS WITHIN THEIR POSSESSION CONCERNING THE NOVEMBER 26TH 2004 INCIDENT DESCRIBED WITHIN THE COMPLAINT OF PLAINTIFF SHANE K. HOPKINS.

DATED: April 1ST 2007

Shane Hopkins

SHANE K. HOPKINS

#253918

DELAWARE CORRECTIONAL CENTER

1181 Paddock Rd.

SMYRNA DELAWARE 19977

Certificate of Service

I, SHANE K. HOPKINS, hereby certify that I have served a true and correct cop(ies) of the attached: 3RD MOTION FOR PRODUCTION OF DOCUMENTS AND DISCOVERY LETTER upon the following parties/person (s):

TO: STACEY XARCHOULAKOS
DEPUTY ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
820 N. FRENCH STREET 6TH FLOOR
WILMINGTON DELAWARE 19801

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 4TH day of April 2007, 2007

Shane Hopkins

STACEY XARHOULAKOS
DEPUTY ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
820 N. FRENCH STREET 6TH FLOOR
WILMINGTON DELAWARE 19801

RE: DISCOVERY IN CIVIL ACTION NO: 05-870-SLR
SHANE K. HOPKINS V. C/o JOHN POSEY, ETAL;

COUNSEL,

I'm writing you concerning documents that I asked the defence to produce within "Plaintiffs First Request for Production of Documents", dated September 13th 2006.

Within your response dated November 3rd 2006 LISA BARCHI noted: that there is a motion to dismiss pending regarding defendants BRADY, PIERCE, and MERSON.

The documents that I requested from the aforesaid defendants has a direct bearing on the defendants C/o John Posey and C/o Joe Smith.

While the documents that I requested may not be in the direct possession of defendants POSEY and SMITH it is my understanding that I might be able to obtain them from your office without having to ask the court to subpoena them from 3rd party locations.

Therefore I'm renewing my requests for the following documents. As previously requested 9-13-06.

H) All INVESTIGATIVE REPORTS CONDUCTED BY THE WARDEN'S OFFICE UNDER DIRECTIONS OF DEPUTY WARDEN PIERCE IN RELATIONSHIP TO GRIEVANCE COMPLAINT #9907 FOR UNNECESSARY USE OF EXCESSIVE FORCE BY TWO OFFICERS. (SEE GRIEVANCE COMPLAINT EXHIBIT "A" TO PLAINTIFFS' ORIGINAL COMPLAINT.)

**("skipped" i")

J) Copy of Policy AND PROCEDURES FOR ASSIGNING INMATES TO DOUBLE-BUNK CELLS. IT WILL BE SUFFICIENT TO JUST ADMIT WHETHER OR NOT IT IS THE POLICY AND PRACTICE OF D.C.C. TO HOUSE TWO INMATES IN A CELL TOGETHER WHOM OBVIOUSLY HAVE A SERIOUS CONFLICT WITH EACH OTHER. THIS ADMISSION SHALL INCLUDE A SEPARATE STATEMENT WHETHER OR NOT IT IS THE POLICY TO SEPARATE TWO INMATES ONCE IT IS KNOWN BY STAFF OF A ONGOING CONFLICT BETWEEN THOSE INMATES.

K) COPIES OF INVESTIGATIONS CONDUCTED FOR GRIEVANCE COMPLAINT #9907

L) RULES FOR FILING A GRIEVANCE WHILE IN ISOLATION (I.E., PROCEDURES WHICH ALLOW INMATES TO OBTAIN PEN, GRIEVANCE FORMS, ETC., TO CONSTRUCT AND SUBMIT A PROPERLY FILED GRIEVANCE WITHIN 7-DAYS)

Also I would like to point out that within the response filed by your office to section (Q) where

I REQUESTED A LIST OF THE NAMES OF THE INMATES HOUSED ON THE TIER WITH ME AT THE TIME OF THIS INCIDENT.

YOUR OFFICE STATED THAT A SEARCH OF THE RECORDS IS UNDER WAY AND A LIST WILL BE MADE AVAILABLE TO PLAINTIFF WHEN IT HAS BEEN COMPILED.

THEN I RECEIVED A REPLY DATED NOVEMBER 16, 2006 STATING "IF I HAVE THE NAMES OF SOME INMATES I WILL BE ABLE TO SEE IF THEY WERE HOUSED ON THE TIER ON NOVEMBER 26TH 2004."

THIS STATEMENT TELLS ME THAT SUCH A LIST CAN BE PRODUCED. AS I'VE STATED BEFORE I DON'T KNOW THE NAMES OF MANY INMATES WHOM WERE HOUSED ON THE TIER AT THAT TIME.

SINCE THE MAJORITY OF THE INCIDENT FOR THIS COMPLAINT WAS COMMITTED IN PLAIN VIEW OF 40 TO 48 INMATES ANY ONE OF THEM IS A POTENTIAL WITNESS.

I DO NOT WISH TO BE DIFFICULT. HOWEVER I DOUBT THAT THE DEFENCE WILL FREELY ADMIT THAT C/O JOE SMITH PUNCHED ME REPEATEDLY IN THE FACE WHILE I WAS NOT RESISTING ON THE GROUND.

WHILE I HAVE SEVERAL DECLARATIONS NOW, I BELIEVE MORE ARE NEEDED.

ALSO WITH THIS LETTER YOU HAVE RECEIVED ANOTHER REQUEST FOR PRODUCTION OF DOCUMENTS, MY 3RD I BELIEVE. ONCE AGAIN I DON'T BELIEVE THAT THESE DOCUMENTS WILL BE IN THE DIRECT POSSESSION OF DEFENDANTS C/O JOHN POSEY OR C/O JOE SMITH. HOWEVER I BELIEVE THAT THESE DOCUMENTS HAVE A DIRECT BEARING UPON THIS CASE.

IF YOUR OFFICE HAS ANY OBJECTIONS TO THE PRODUCTION OF ANY DOCUMENTS REQUESTED PLEASE BE SPECIFIC WHAT YOUR OBJECTIONS ARE TO EACH REQUEST SO THAT I WILL KNOW HOW TO PROCEED IN ANY FUTURE MOTIONS FILED WITH THE COURT.

Thank You For Your Time And Help!

DATED April 3rd 2007

Sincerely Yours

Shane Hopkins

SHANE K. HOPKINS

#253918

DELAWARE CORRECTIONAL CENTER

1181 Paddock Rd.

Smyrna, Delaware

19977

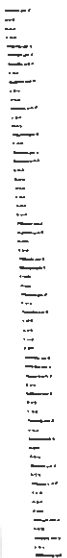
(4)

Legal Mail
Mailed 4-4-07

W. Shane Hopkins
SBI# 253916 UNIT 22-D-4
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

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UNITED STATES DISTRICT COURT
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